

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 6 has been amended to be consistent with language in the specification.

Claims 1-3, 5, and 6 stand rejected 35 U.S.C. 103(a) as being unpatentable over Clark et al. (U.S. Patent No. 6,321,070) in view of Markow (U.S. Patent 5,796,854). For at least the following reasons, the examiner's rejection is respectfully traversed.

None of the references disclose or suggest "a shield member for electromagnetically shielding the radio circuit from the speaker" as recited in claim 1. Similar language is found in claims 5 and 6.

Clark discloses, in Figs. 12 and 13, a speaker assembly 1200 with housing portions 1202, 1204 and a speaker 1206 (col. 8, line 46 to col. 10, line 6). Clark does not indicate the location of the radio circuit. Since Clark fails to disclose the location of the radio circuit, Clark does not disclose or suggest a shield member for shielding a radio circuit from the speaker. Markow does not overcome the deficiencies of the Clark patent. Markow discloses that an electromagnetic interference shield 72 is between speakers 20 and an LCD monitor panel 18 (col. 5, lines 23-27). Markow does not indicate a location of a radio circuit. Since Markow fails to disclose a location of a radio circuit, Markow also does not disclose or suggest a shield member for shielding a radio circuit from a speaker. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Further in regards to claim 1, none of the references disclose or suggest that "the shield

member includes at least one ventilation hole having a size that does not affect the shielding performance” as recited in claim 1. Similar language is found in claims 5 and 6.

Clark discloses a plurality of openings 1216 leading to a plurality of passages 1316 formed in a housing portion 1202, and the passages 1316 have openings 1320 positioned on a rear surface 1210 of the housing (col. 9, lines 12-18). Clark fails to disclose or suggest that any of the openings are of a size that does not affect the electromagnetic shielding performance of a shield member. Markow does not overcome the deficiencies of the Clark patent. Markow discloses that an electromagnetic interference shield 72 is between speakers 20 and an LCD monitor panel 18 (col. 5, lines 23-27). Markow fails to disclose or suggest a ventilation hole in the shield member that does not affect the electromagnetic shielding performance of the shield member. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

With regards to claim 2, none of the references disclose or suggest that “the shield member is a shield case disposed to cover the radio circuit” as recited in claim 2. Similar language is found in claim 5. Clark discloses, in Figs. 12 and 13, a speaker assembly 1200 with housing portions 1202, 1204 and a speaker 1206 (col. 8, line 46 to col. 10, line 6). Clark does not indicate the location of the radio circuit. Since Clark fails to disclose the location of the radio circuit, Clark does not disclose or suggest a shield case that covers the radio circuit. Markow does not overcome the deficiencies of the Clark patent. Markow discloses that an electromagnetic interference shield 72 is between speakers 20 and an LCD monitor panel 18 (col. 5, lines 23-27). Markow does not indicate a location of a radio circuit. Since Markow fails to disclose a location of a radio circuit, Markow does not disclose or suggest a shield case that covers a radio circuit. Therefore, even if combined, the references do not disclose or suggest all

the elements of the claimed invention.

With regards to claim 5, none of the references disclose or suggest that “compressed air by the vibration of the speaker passes through the ventilation hole and propagates in a space enclosed by the shield case” as recited in claim 5. Similar language is found in claim 6. Clark discloses a first air space in front of ear placement region 1212; a second air space away from ear placement region 1212, which comprises open air; and a third air space away from ear placement region 1212, which comprises open air (col. 9, line 12-55). Clark does not disclose or suggest that compressed air by the vibration of the speaker passes through a ventilation hole and propagates in *a space enclosed* by a shield case. Markow also does not disclose or suggest that compressed air by the vibration of the speaker passes through a ventilation hole and propagates in a space enclosed by a shield case. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Furthermore, there is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Markow with Clark to arrive at the claimed invention. Clark discloses a speaker assembly 1200 with housing portions 1202, 1204 and a speaker 1206 (col. 8, line 46 to col. 10, line 6). Markow discloses that an electromagnetic interference shield 72 is between speakers 20 and an LCD monitor panel 18 (col. 5, lines 23-27).

There is no suggestion or motivation in Clark to provide for shielding between the radio circuit and the speaker. Therefore, there is no motivation to look at or use shielding elements in Markow to modify Clark. The desirability of such a modification is found only in the Applicant's own description of the invention, in contrast to the requirement that the teaching or suggestion to make the modification must be found in the prior art, and not based on an applicant's disclosure. Reconsideration and withdrawal of the rejection based upon the combination of

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references is respectfully requested.

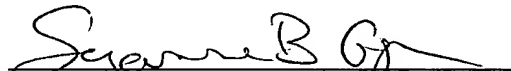
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34205.

Respectfully submitted,

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